

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

CRIMINAL PRETRIAL
SCHEDULING ORDER

- against -

DONVILLE INNISS,

18-CR-134-1 (KAM)

Defendant.

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The defendant in the above captioned criminal case having interposed a plea of not guilty, the parties are directed:

1. To **APPEAR** with counsel ready to **SELECT A JURY** and **TO TRY THE CASE** and to have available witnesses and exhibits on **October 28, 2019 at 9:00 a.m.** in Courtroom 6C South on the 6th Floor, United States District Courthouse, 225 Cadman Plaza East, Brooklyn, New York.¹

2. To **SERVE AND FILE VIA ECF ALL GOVERNMENT AND DEFENSE PRETRIAL MOTIONS**, except motions that were previously scheduled (whether or not they were served and filed), including, but not limited to, FRE 404(b) motions and motions *in limine*, which are capable of determination before the trial of the general issue, in writing, according to the following schedule: **motion papers** are due on or before **June 7, 2019**, **opposition papers** are due by **June 28, 2019**, and **reply papers** are due by **July 5, 2019**. Oral argument for these motions will be scheduled at the request of the parties. The parties shall also provide two courtesy copies of all motion papers to chambers.²

3. **No later than July 15, 2019**, each party shall **SERVE AND FILE VIA ECF**, or the parties shall jointly file via ECF, and provide two courtesy copies to chambers of:

- (i) a LIST OF EXHIBITS and NOTICES OF OBJECTIONS to the authenticity of any documents; and a LIST OF WITNESSES, including, with respect to any expert

¹ All in-person hearings will occur at this location.

witness, a description of qualifications and a summary of expected testimony;

- (ii) a LIST OF PERSONS, including ATTORNEYS; CORPORATIONS; INSTITUTIONS; PLACES; and SCIENTIFIC, TECHNICAL, or COLLOQUIAL TERMS that will be present or referred to by counsel or witnesses during the trial, for the use of the court in questioning prospective jurors and to assist the court reporter in recording the proceedings;
- (iii) VOIR DIRE requests; and
- (iv) PROPOSED VERDICT FORMS, SPECIAL VERDICT FORMS, AND PROPOSED SPECIAL INTERROGATORIES, if applicable;

4. Also **no later than July 15, 2019**, the parties shall jointly file via ECF, and provide two courtesy copies to chambers of:

- (i) REQUESTS TO CHARGE OR ANY OBJECTIONS to same; and
- (ii) ANY STIPULATIONS OF FACT.

5. Within one week of the **July 15, 2019** service of the items set forth in paragraph 3, the parties are to meet and confer to discuss any objections thereto. Any remaining disputes relating to the items in paragraph 3 must be filed in **a joint status letter explaining the parties' positions by July 26, 2019 at 5:00 p.m.**

6. To **APPEAR** with counsel who is to try the case at a **FINAL PRETRIAL CONFERENCE on October 23, 2019 at 10:00 a.m.** in Courtroom 6C South on the 6th Floor, United States District Courthouse, 225 Cadman Plaza East, Brooklyn, New York. All matters required as preliminary to the hearing of pretrial motions, including the making of formal and informal requests for discovery and the giving of notice of specified defenses or as to the use of specified evidence, shall be made pursuant to the schedule described in paragraph 2, so as to permit said motions to be decided by **October 23, 2019**.

(a) **Before the pretrial conference**, each party shall:

- (i) PHYSICALLY MARK for identification (e.g., GX. 1^{ID}, DX A^{ID} followed by the docket number) each item of physical or documentary EVIDENCE which the party intends to offer in evidence at trial, including any learned treatises or publications to be introduced pursuant to Federal Rule of Evidence 803(18);³
- (ii) If TRANSCRIPTS are to be used either as substantive evidence or aids to the jury, a single copy shall be appropriately marked by all parties to indicate (i) portions to be read, and (ii) portions objected to; and
- (iii) Make every effort to enter into STIPULATIONS OF FACT, including stipulations as to the authenticity of all documents intended to be offered in evidence at trial, and to give notice as to all objections to authenticity so as to permit the adversary to have available at trial all necessary foundation witnesses.

(b) **At the final pretrial conference on October 23, 2019 at 10:00 a.m.**, each party shall bring two sets of all exhibits marked for identification, including any disc upon which the exhibits have been recorded in digital form, if the party intends to present the evidence at trial digitally, for inspection.

6. Counsel for the government is directed to attend the final pretrial conference with material required to be produced at trial pursuant to 18 U.S.C. § 3500, appropriately marked for identification (e.g., GX 3500-1^{ID}), and either make such material available to defendant (along with two courtesy copies for

³ If any party wishes to present marked exhibits to the jury in digital form, the parties are directed to meet with the Chief Deputy Clerk for Automation Services and my case manager at least 20 days prior to the commencement of the trial to review the available equipment in Courtroom 6C South for the presentation of digital evidence and to determine what equipment the court can provide and what equipment the parties must provide. Counsel should be accompanied by the audio-visual personnel who will be operating any equipment that will be used at trial. By no later than **October 18, 2019**, the parties shall file a confirmation in writing via ECF that this meeting has occurred and shall include a general outline of the understandings reached.

chambers) or put on the record the reasons for withholding the material. The government may produce \$ 3500 materials in advance of the final pretrial conference.

7. A defendant in a criminal case is required to appear at all stages of the proceedings, including the return dates of motions, hearings, pretrial conferences, and trial, unless excused by the court with the consent of the government. Failure to comply with this provision may result in revocation of bail.

8. If the defendant is not a citizen of the United States, defense counsel shall, within 10 days of this order, advise defendant of the provisions of Article 36(1)(b) of the Vienna Convention on Consular Relations and shall certify to the court and the government in writing filed via ECF that it has done so. If defendant requests, counsel for the government is directed to comply forthwith with its obligations under that convention and submit, in writing, a statement certifying that it has done so.

SO ORDERED.

Dated: April 3, 2019
Brooklyn, New York

/s/
Hon. Kiyo A. Matsumoto
United States District Judge